

NOV 21 2006

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PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	Brian J. Brown, Michael L. Davis
Application No.:	09/934178
Filed:	August 21, 2001
For:	Improved Longitudinally Flexible Expandable Stent
Examiner:	Paul Prebilic
Group Art Unit:	3738

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Docket No.: S63.2N-5605-US05

**NOTICE OF APPEAL FROM THE EXAMINER TO
THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Applicant hereby **appeals** to the Board of Patent Appeals and
Interferences from the last decision of the examiner.

The fee for this Notice of Appeal is (37 CFR 1.17(b)) \$500.00.

- ☐ Applicant claims small entity status. See 37 CFR 1.27.
- ☐ A check in the amount of the fee is enclosed.
- ☐ Payment by credit card. Form PTO-2038 is attached.
- ☒ The Director is hereby authorized to charge any fees which may be required, or credit any overpayment to Deposit Account No. 22-0350.
- ☐ A Petition for an extension of time under 37 CFR 1.136(a) (PTO/SB/22) is enclosed.

11/24/2006 AWONDAF1 00000035 220350 09934178

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BEST AVAILABLE COPY**■ CONDITIONAL PETITION FOR EXTENSION OF TIME**

In the event a petition for extension of time is required and has not otherwise been requested or in the event the period specified is incorrect please consider this a petition for the appropriate extension therefore.

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

I am the attorney or agent of record.

Respectfully submitted,

VIDAS, ARRETT & STEINKRAUS

Date: November 21, 2006

By: _____

James M. Urzedowski
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FACSIMILE TRANSMITTAL LETTER

TO: Examiner Paul Prebilic
FACSIMILE NO.: 571-273-8300
GROUP ART UNIT: 3738
TOTAL NUMBER OF PAGES (including cover letter): 3

DATE: November 21, 2006
TIME: _____

Following please find a 2 page Notice of Appeal in addition to this 1 page Facsimile Transmittal Letter.

If a fee is required, Commissioner of Patents is hereby authorized to charge Deposit Account No. 22-0350 for any required fees. To the extent that any petition is required to consider this communication, please treat this as such a petition.

Respectfully Submitted,

VIDAS, ARRETT & STEINKRAUS, P.A.

Date: November 21, 2006

By: _____

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Certificate of Transmission

I hereby certify that this correspondence is being facsimile transmitted to the United States Patent and Trademark Office, Fax No. 571-273-8300, on November 21, 2006.

Signature: Barth M. DeChene

Barth M. DeChene